



PETITION UNDER 37 CFR 1.116 AND 37 CFR 1.181
EXPEDITED PROCEDURE
EXAMINING GROUP 2122
Docket No.: 1086.1128

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

Masaaki ISHIKIORI, et al.

Serial No. 09/738,285

Group Art Unit: 2122

Confirmation No. 2128

Filed: December 18, 2000

Examiner: Debra Charles

For: INFORMATION MEDIATING APPARATUS AND METHOD AND STORAGE MEDIUM
STORING INFORMATION MEDIATING PROGRAM THEREIN

**PETITION REQUESTING WITHDRAWAL OF FINALITY OF FINAL REJECTION UNDER 37
CFR 1.181 & MPEP 706.07(c)**

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Attention: **BOX AF**

Sir:

It is submitted that the **finality** of the Action Mailed December 7, 2005 is improper and it is requested that it be withdrawn.

First, the final action is subsequent to an RCE which was subsequent to an Amendment after final that was not entered. That is, applicants filed an Amendment after final, the Amendment was not entered and then an RCE was filed to have the Amendment entered. Making a first action after an RCE that entered an un-entered amendment is not proper and withdrawal of the finality is requested for this reason.

Second, a final Action must address all of the claims (see 37 CFR 1.113 and MPEP 706.07). The present application contains claim 1-16. The Examiner has provided no basis or comments or reasons for the rejection of claim 16. It is not proper to make an action final when there have been no comments from the Examiner that indicate whether a clear issue has been reached between the Examiner and the Applicants. Withdrawal of the finality for this additional reason is requested.

Withdrawal of the finality of the Action mailed December 7, 2005 for the above-discussed reasons is requested.

Respectfully submitted,

STAAS & HALSEY LLP

Date: 3/1/06

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